

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED JUN 13 2000

In Re Filegate Investigation

Special Division

**Notice of Filing of Comments
of Lewis Merletti, John Libonati,
and Jeffrey Undercoffer to the Filegate
Report of the Office of Independent
Counsel Under 28 USC § 594(h)(2)**

No. 94-1

To This Honorable Court:

The undersigned represents the Honorable Lewis Merletti, former Director of the United States Secret Service and former Special Agents Jeffrey L. Undercoffer and John Libonati.

On May 31, 2000, to assist in determining whether it was necessary to make this filing, the attached letter was sent to the Office of Independent Counsel ("OIC") for the purpose of bringing to the attention of that Office certain factual inaccuracies identified in those portions of the Filegate Report made available for our clients' review. (Exhibit A)

The OIC replied to the attached letter by indicating that the Independent Counsel statute "does not contemplate" a procedure whereby the OIC considers or corrects factual inaccuracies brought to its attention after its report is filed. (Letter of June 12, 2000 from J. Keith Ausbrook, Senior Counsel, Office of Independent Counsel.) Accordingly, the OIC suggested that this information be brought to the attention of this Court. (Exhibit B)

Our clients respectfully request that the matters identified in the attached letter to the OIC regarding factually inaccurate aspects of the Filegate Report be considered by this Court for such